

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN N. GRIFFY,

Defendant.

8:10CR193

ORDER

This matter is before the Court on the Defendant's motion for a reduction in sentence (Filing No. 131).

This is the Defendant's second request for a reduction. In denying the Defendant's first motion, the Court stated:

The Defendant pleaded guilty to Count I of the Superseding Indictment, which charged him with conspiring to distribute and possess with intent to distribute 5 grams or more of a mixture or substance containing crack cocaine. The Defendant was held responsible for 55.58 grams of cocaine base, resulting in the application of base offense level 26. He was sentenced at the low end of his sentencing guideline range to 92 months imprisonment. Under the amendments to the crack cocaine guidelines, the Defendant's sentencing guideline remains unchanged at 92-115 months.

(Filing No. 117.)

In his second motion, the Defendant argues he is entitled to a reduction under *Dorsey v. United States of America*, 132 S. Ct. 2321 (2012). However, after applying *Dorsey* the Defendant's base offense level remains at level 26, which includes a quantity of at least 28 but less than 112 grams of cocaine base. The Defendant is not entitled to relief. Absent any further change in the law or sentencing guidelines, further motions for a reduction in sentence will be summarily denied.

IT IS ORDERED:

1. The Defendant's motion for a reduction in sentence (Filing No. 131) is denied;
and
2. The Clerk is directed to mail a copy of this Order to the Defendant at his last
known address.

Dated this 30th day of August, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge